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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

**MAURICIO ANTONIO REYMUNDO
ASHLEY MOORE REYMUNDO,
Debtors**

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§
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§
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**Case No. 16-32263-HDH-13
Chapter 13**

**ASHLEY MOORE REYMUNDO
v.**

§
§
§
§
§

**Chapter 7
Adversary No. _____**

**FedLoan Servicing, and Navient
Solutions, LLC,**

COMPLAINT

TO THE HONORABLE JUDGE OF THIS COURT:

ASHLEY MOORE REYMUNDO (“Debtor”), files this Complaint to determine the Dischargeability of certain student loan obligations owed to FedLoan Servicing (“FedLoan”) and Navient Solutions, LLC (“Navient”) (collectively, the “Defendants”).

I.

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 11 U.S.C. §105 and 28 U.S.C. §1334. This matter constitutes a core proceeding pursuant to 28 U.S.C. §157(b).

II.

PARTIES

2. Plaintiff Ashley Moore Reymundo is one of the joint Debtors in the above referenced bankruptcy case.

3. Pennsylvania Higher Education Assistance Agency dba FedLoan (“FedLoan”) is the servicer of student loans. FedLoan may be served by First Class Mail at its principal place of business at PHEAA, PO Box 8147, Harrisburg, PA 17105.

4. Navient Solutions, LLC is a corporation that may be served with process by First Class Mail through its registered agent Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Ste 620, Austin, Texas 78701-3218.

III.

PROCEDURAL BACKGROUND

5. Debtors filed their petition in bankruptcy under Chapter 13 on June 6, 2016. Tom Powers was assigned as Chapter 13 Trustee.

6. Debtors have completed their Chapter 13 Plan, and are awaiting their discharge.

7. Among the debts listed in Debtors’ schedules were certain student loans incurred by the Debtor Ashley Moore Reymundo.

IV.

Student Loans

8. Debtor Ashley Moore Reymundo incurred her student loans while attending undergraduate, graduate and teaching certification programs at the Memphis School of Art. Debtor’s area of study was digital art. To fund her studies, Debtor borrowed federally guaranteed student loans (as more specifically described below, the “Student Loans”).

9. The following Student Loans are serviced by FedLoan:

Borrower	Ashley Reymundo
Principal Defaulted	\$79,524.31
Interest Defaulted	\$1,847.76
Total Amount Defaulted	\$81,372.07
Principal Collected	\$15.78
Interest Accrued Through 6/6/2016	\$2,417.35
Outstanding Balance Due	\$83,773.64

10. Navient holds one Student Loan with the principal amount due in the amount of \$3,006.81.

11. Since graduating, Debtor received a teaching certificate in Tennessee and began teaching in the Shelby County School District. She has been employed by the school district as a teacher for over 11 and one-half years (2007-2015 and 2017 to present). Despite her gainful employment, the Debtor has been unable to repay her school loans.

12. The Debtor has attempted in good faith to repay her student loans. However, the amount of the indebtedness relative to her income level working in her area of study has not resulted in repayment but rather, the debt has actually increased through interest accrual while the loans were in hardship deferrals or otherwise in repayment status.

13. Debtor seeks to discharge the Student Loans as an undue hardship. Debtor Ashley Moore Reymundo attended the Memphis School of Art in 2004-2008. As indicated above, the Debtor made periodic payments as best she could over approximately thirteen (13) years. Despite

such efforts, her obligation remains outstanding with a balance exceeding \$86,000. Based upon Debtor's employment and income history, she simply cannot pay the loan in full, and meet ordinary living expenses. Thus, Debtor seek to have the Student Loans declared dischargeable pursuant to Section 523(a)(8).

V.

Debtor incorporates and realleges hers allegations set forth in paragraphs 1 through 13 above.

A. The Debtor should be granted a Hardship Discharge under Section 523(a)(8)

14. Debtor seeks to discharge the Student Loans as an undue hardship. Debtor Ashley Moore Reymundo incurred the Student Loans attending graduate and undergraduate programs at the Memphis School of Art in 2004-2008. Debtor made periodic payments over approximately thirteen (13) years, but the outstanding balance remains over \$86,000. Based upon Debtor Ashley Moore Reymundo's employment and income history, she simply cannot pay the Student Loans in full, and meet ordinary living expenses. Thus, Debtor seeks to have the Student Loans declared dischargeable pursuant to 523(a)(8).

WHEREFORE, PREMISES CONSIDERED, the Debtor requests declaratory judgment that the Student Loans owed to FedLoan and Navient are an undue burden under Section 523(a)(8) and have been discharged.

Respectfully Submitted,

/s/ John K. Turner

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